

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CONNETICUT BANK OF)
COMMERCE,)
Plaintiff,)
v.)
THE REPUBLIC OF CONGO,)
Defendant;)
CMS NOMEKO CONGO INC.,)
Garnishee.)
Civil Action No. 05-762 SLR

PLAINTIFF'S MOTION TO SUBSTITUTE PARTIES

Pursuant to Federal Rule of Civil Procedure 25(c), Af-Cap, Inc. ("Af-Cap"), successor to plaintiff Connecticut Bank of Commerce ("CBC"), by and through its undersigned counsel, hereby moves for an order authorizing the substitution of Af-Cap as the plaintiff in this action. Federal Rule 25(c) provides that in case of any transfer in interest, upon motion the Court may direct that the party to whom the interest is transferred be substituted in the action. FED. R. CIV. P. 25(c).

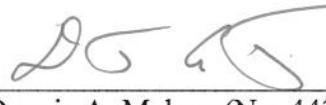
On September 3, 2002, an Assignment Agreement was executed between the Federal Deposit Insurance Corporation, acting as receiver for Connecticut Bank of Commerce, and Af-Cap, Inc. (the "Agreement"). By the Agreement, Af-Cap was assigned the money judgment at issue in this case. A true and correct copy of the Agreement is attached hereto as Exhibit A.

Pursuant to Local Rule 7.1.1, undersigned counsel to Af-Cap conferred with counsel to CMS Nomeco Congo Inc. (“CMS”). CMS informed Af-Cap that it opposes the relief sought herein.

WHEREFORE, Af-Cap respectfully requests that it be substituted for CBC as the plaintiff in this case.

Dated: November 2, 2006

Respectfully submitted,
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